

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-4939**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MARTEZ COLEMAN,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at Columbia. Joseph F. Anderson, Jr., Chief District Judge. (CR-01-506)

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Submitted: August 25, 2004

Decided: September 28, 2004

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Before WILLIAMS, MOTZ, and SHEDD, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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William T. Toal, JOHNSON, TOAL & BATTISTE, P.A., Columbia, South Carolina, for Appellant. J. Strom Thurmond, Jr., United States Attorney, Mark C. Moore, Assistant United States Attorney, Columbia, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Martez Coleman was convicted after a jury trial of membership in a conspiracy to possess with intent to distribute and to distribute cocaine base and powder, in violation of 21 U.S.C. § 846 (2000), possession with intent to distribute cocaine base, in violation of 21 U.S.C. § 841 (2000), killing, or counseling, commanding, inducing, or procuring, and aiding and abetting in a killing while involved in a 21 U.S.C. § 841 offense, in violation of 18 U.S.C. § 2 (2000), 21 U.S.C. § 848(e)(1)(A) (2000), and using a firearm in a drug crime or crime of violence, murder, and aiding and abetting in murder, in violation of 18 U.S.C. § 2 (2000), 18 U.S.C. § 924(j) (2000). Coleman was sentenced to life sentences for these offenses. Coleman has timely appealed.

On appeal, Coleman asserts that the district court erred by (1) allowing the Government to bolster the testimony of two Government witnesses; (2) permitting the Government to introduce a witness' testimony that effectively punished Coleman for exercising his right to remain silent; and (3) denying his Fed. R. Crim. P. 33 motion for a new trial. We review a district court's evidentiary rulings for abuse of discretion. General Elec. Co. v. Joiner, 522 U.S. 136, 141-42 (1997). A district court's denial of a Fed. R. Crim. P. 33 motion for a new trial is also reviewed for abuse of discretion. United States v. Arrington, 757 F.2d 1484, 1486 (4th Cir. 1985).

Following careful review of the record, we reject Coleman's claims as meritless. The testimony of the two witnesses in question was not impermissibly bolstered, United States v. Lewis, 10 F.3d 1086, 1089 (4th Cir. 1993); Coleman's right to remain silent was not infringed by the testimony of another witness, United States v. Whitehead, 618 F.2d 523, 527 (4th Cir. 1980); and Coleman failed to satisfy the requirements necessary to receive a new trial, United States v. Chavis, 880 F.2d 788, 793 (4th Cir. 1989).

Accordingly, we affirm Coleman's conviction and sentence. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED